

**ENTERED**

December 17, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MICHAEL ANDREW HARRINGTON, *et al.*, §  
§  
Plaintiffs, §  
VS. § CIVIL ACTION NO. 4:20-CV-2445  
§  
ART INSTITUTES INTERNATIONAL LLC, §  
*et al.*, §  
§  
Defendants. §

**ORDER**

Pending before the Court is the Defendants', The Art Institutes International, LLC and The Art Institute of Houston LLC d/b/a DC Art Institute of Houston, LLC (collectively the "Defendants"), Motion to Dismiss. (Doc. No. 9). The Plaintiff filed a Response (Doc. No. 12) and the Defendants filed a Reply (Doc. No. 14).

Having considered the briefing, the Court has concluded that, pursuant to Federal Rule of Civil Procedure 12(d), the arguments within are more suited to a motion for summary judgment. The Defendants may file a motion for summary judgment based on the same arguments contained in the Motion to Dismiss any time after March 19, 2021 and before April 9, 2021. If such motion is filed, the Plaintiff may file a response by April 30, 2021. In the meantime, the parties may engage in discovery until close of business Friday, March 19, 2021. If no motion is filed or if the motion for summary judgment is denied, the Court will, in consultation with all parties, enter a scheduling order that will govern the case to its conclusion.

The Court hereby denies the Motion to Dismiss without prejudice.

Signed at Houston, Texas, this 17 day of December, 2020.



Andrew S. Hanen  
United States District Judge